

RESOLUTION NO. 20220407-046

WHEREAS, the City Council of the City of Austin has found that public necessity requires the City to acquire certain real property interests for public uses as set out below; and

WHEREAS, the City has attempted to purchase those needed real property interests, but has been unable to agree with the owner on the value of the property interest, or the damages, if any; **NOW, THEREFORE**,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

The City Attorney or other authorized designee, is hereby authorized and directed to file, or cause to be filed, a suit in eminent domain on behalf of the City against the owner now having, or who may acquire, an interest in the real property interests necessary to the City, described below, for the public uses set out below, and to take whatever other action may be deemed appropriate to effect the necessary acquisitions.

BE IT FURTHER RESOLVED:

The City Attorney, or other authorized designee, shall file eminent domain proceedings for:

Owners: Optimal Real Estate LLC

Project: Circuit 811 Transmission Electric Line Upgrade Project

Public Use: Providing reliable safe electricity service.

Location: 7545 N. Lamar Blvd., Austin, Texas 78753

The general route of the project is along the east side of North Lamar from HWY 183 to the McNeil Substation.

Property: Described in the attached and incorporated "Exhibit A."

ADOPTED: April 7, 2022 **ATTEST:** *Myrna Rios*
Myrna Rios
City Clerk

EXHIBIT "A"



SURVEY OF A 0.092 ACRES OR 4,016 SQUARE FEET OF LAND IN THE JAMES P. WALLACE SURVEY NUMBER 57, ABSTRACT NUMBER 789, AND BEING PART OF LOT A-2, A RESUBDIVISION OF LOT A, TEMPO NORTH, A SUBDIVISION IN TRAVIS COUNTY, TEXAS ACCORDING TO THE PLAT RECORDED IN VOLUME 17, PAGE 15, PLAT RECORDS, TRAVIS COUNTY, TEXAS, THE SAID LOT A-2 BEING DESCRIBED TO OPTIMAL REAL ESTATE LLC IN THAT CERTAIN GENERAL WARRANTY DEED WITH VENDOR'S LIEN IN DOCUMENT NUMBER 2019017728, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS, THE HEREIN DESCRIBED 0.092 ACRES OF LAND BEING SHOWN ON THE ATTACHED SKETCH MARKED EXHIBIT "B" AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a calculated point having Grid Coordinates of Y(N) 10098396.062, X(E) 3122423.094, United States state plane coordinate system, Texas Central Zone 4203, NAD83, for the west corner of the herein described 0.092 acres of land, same being a point on the southeast right-of-way line of North Lamar Boulevard (Right-Of-way width varies), same being the common west corner of the said Lot A-2 and Lot A-3, A Resubdivision of Lot A-1 of the Resubdivision of Lot A, Tempo North, a subdivision in Travis County, Texas according to the Plat recorded in Volume 18, Page 83, Plat Records, Travis County, Texas, the said Lot A-3 being described to the said Optimal Real Estate LLC in the said Document Number 2019017728, of the said records and from this point a PK nail with a disk stamped "FORREST 1847" found on the southeast right-of-way line of the said North Lamar Boulevard for the west common corner of Lot A-4-3, A Resubdivision of Lot 4-A of the Resubdivision of Lot A-1 of the Resubdivision of Lot "A", Tempo North, a subdivision in Travis County, Texas according to the Plat recorded in Volume 57, Page 54, Plat Records, Travis County, Texas, the said Lot A-4-3, being described to Blue Crow Properties, Ltd., in the certain General Warranty Deed recorded in Document Number 2013191234, Official Public Records, Travis County, Texas and Lot 1, Block C, Northway Crest, Section Two (2), a subdivision in Travis County, Texas according to the plat recorded in Volume 6, Page 36, Plat Records, Travis County, Texas, the said Lot 1, being described to Stephen B. Caskey in Cause Number FM4-02938, recorded in Document Number 2005145742, Official Public Records, Travis County, Texas, bears South 27°49'03" West, coincident with the southeast right-of-way line of the said North Lamar Boulevard and passing at a distance of 50.00 feet a one inch iron pipe found for the west common corner of the said Lot A-3 and Lot A-4-1, A Resubdivision of Lot 4-A of the Resubdivision of Lot A-1 of the Resubdivision of Lot "A", Tempo North, the said Lot A-4-3 being described to Jannahs Real Estate, LLC., in that certain Warranty Deed With Vendor's Lien as recorded in Document Number 2018000516, Official Public Records, Travis County, Texas, continuing for a **Total Distance** of 345.72 feet;

THENCE North 27°49'03" East, coincident with the southeast right-of-way line of the said North Lamar Boulevard, same being the northwest line of the said Lot A-2, a distance of 125.00 feet to a calculated point not set coincident with the southeast right-of-way line of the said North Lamar Boulevard, same being the southwest line of Morrow Street (right-of-way width 60 feet as per Volume 16, Page 32, Plat Records, Travis County, Texas) same being the north corner of the said Lot A-2 and the herein described 0.092 acres of land;

THENCE South 62°10'57" East, coincident with the southwest right-of-way line of the said Morrow Street, same being the northeast line of the said Lot A-2, a distance of 32.13 feet to a calculated point not set for the east corner of the herein described 0.092 acres of land, and from this point a Texas Department

EXHIBIT "A"

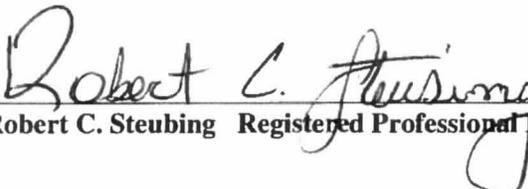
of Transportation Type 2 monument found for an exterior angle corner in the southeast line of the said North Lamar Boulevard and the west corner of Lot 1, Summercrest, a subdivision in Travis County, Texas according to the Plat recorded in Volume 75, Page 317, Plat Records of Travis County, Texas, the said Lot 1, Summercrest being described to My Thanh Oriental Market, Inc. in that certain Warranty Deed With Vendor's Lien recorded in Volume 12455, Page 649, Real Property Records, Travis County, Texas bears North 74°06'44" East, across the said Morrow Street a distance of 87.17 feet;

THENCE, South 27°49'03" West, departing the southwest right-of-way line of the said Morrow Street and crossing over the said Lot A-2, a distance of 125.00 feet to a calculated point not set on the common dividing line of the said Lot A-2 and the said Lot A-3 for the south corner of the herein described 0.092 acres of land;

THENCE, North 62°10'57" West, coincident with the common dividing line of the said Lot A-2 and the said Lot A-3, a distance of 32.13 feet to the **Point Of Beginning** and containing 0.092 Acres or 4,016 square feet of land, more or less.

BASIS OF BEARINGS IS GRID NORTH, UNITED STATES STATE PLANE COORDINATE SYSTEM, TEXAS CENTRAL ZONE 4203, NAD83, GRID DISTANCE RECITED HEREIN.

I hereby certify that these field notes were prepared from an on the ground survey made under my supervision.


Robert C. Steubing Registered Professional Land Surveyor No. 8533



Date 06/12/2019

Not To Scale

SKETCH TO ACCOMPANY FIELD NOTES



Legend

- ⊙ 1" Iron Pipe Found
- ✕ PK Nail with "FORREST 1847" Disk Found
- △ Calculated Point Not Set
- ▣ Type 2 TxDOT Right-of-Way Monument
- P.O.B. Point of Beginning
- OPRTCT Official Public Records, Travis County, Texas
- RPRTCT Real Property Records, Travis County, Texas
- PRTCT Plat Records, Travis County, Texas
- DRTCT Deed Records, Travis County, Texas

A

Lot 1
 Summercrest
 Vol 75 Pg 317 PRCT
 My Thanh Oriental Market, Inc.
 Warranty Deed With Vendor's Lien
 Vol 12455 Pg 649
 RPRTCT

North Lamar Boulevard
 (TX-Loop 275 Right of Way Varies)

North Lamar Boulevard
 (TX-Loop 275)
 (Right of Way Varies)

Morrow Street
 (60' Right of Way
 Vol 16 Pg 32 PRTCT)

Parcel 3 Temporary Construction Easement
 0.092 Acres or 4,016 SqFt

Lot A-2
 A Resubdivision of Lot A
 Tempo North
 Vol 17 Pg 15 PRTCT
James P. Wallace
 Survey No. 57
 Abstract No. 789

R236474
Optimal Real Estate LLC
General Warranty Deed
With Vendor's Lien
Doc# 2019017728
OPRTCT

Optimal Real Estate LLC
General Warranty Deed
With Vendor's Lien
Doc# 2019017728
OPRTCT

A-4-1

Jannahs Real Estate, LLC
Warranty Deed With Vendor's Lien
Doc 2018000516 OPRTCT

A-4-2

Blue Crow Properties, Ltd.
General Warranty Deed
Doc No 2013191234 OPRTCT

A-4-3

Stephen B. Caskey
 Cause No. FM4-02938
 Doc No 2005145742 OPRTCT
Lot 1, Block C, Northway Crest Section Two (2)
 Vol 6 Pg 36 PRTCT

A Resubdivision of Lot 4-A of the Resubdivision of Lot A-1 of the Resubdivision of Lot "A" Tempo North
 Vol 57 Pg 54 PRTCT

Lot A-3
A Resubdivision of Lot "A", Tempo North
 Vol 18 Pg 83 PRTCT



- NOTES:
1. P.O.B. COORDINATES = N 10098396.062 E 3122423.094 GRID COORDINATES, TEXAS CENTRAL ZONE 4203, NAD83
 2. BEARING BASIS IS GRID NORTH, UNITED STATES STATE PLANE COORDINATE SYSTEM, TEXAS CENTRAL ZONE 4203, NAD 83, DISTANCES HEREON ARE GRID.
 3. MAPSCO Panel No.: 525V Travis County Central Appraisal District ID No.: 236474

Robert C. Steubing 06/12/2019
ROBERT C. STEUBING (512-505-7144) DATE
REGISTERED PROFESSIONAL LAND SURVEYOR No. 6648

Situs Address:
 7545 North Lamar Boulevard
 Austin, Tx 78752
SHEET 1 OF 1 Rev: 2018/11/15

